

Appl. No. 10/603,583  
Amdt. Dated 04/29/2005  
Reply to Office communication of 04/18/2005

# **REMARKS**

After receiving and reviewing the Office communication mailed on 4/18/2005, the applicants submit this paper as a fully-responsive reply thereto.

The applicant previously received and reviewed the Official Action mailed on 02/01/2005, and submitted a response on 01/26/2005 thereto pursuant to 37 CFR § 1.116. The applicant respectfully requests entry of these responses and consideration of the application in view of the above claim revisions and these comments.

The Examiner indicated the reply filed on 01/26/2005 was not fully responsive to the prior Office Action because, "the mentioned change ("data store") to claims 42, 46, and 51 do not appear in those claims; applicant's remarks regarding the amended claims on page 12 appear incomplete in that it fails to point out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them." Applicants thank the Examiner for these comments.

Paragraph 1 of the Official Action stated an objection to a hyperlink appearing on page 10 of the specification as originally filed. The applicants had submitted a replacement paragraph, shown above, to address this objection, and thus request reconsideration and withdrawal of the objection stated in Paragraph 1 of the Official Action.

Paragraphs 2 and 3 of the Official Action stated objections to claims 42, 46, and 51 as being duplicates of claims 43, 47, and 52, respectively. The applicants submit that these claims are not duplicates of each other, and do not acquiesce in the objections stated in Paragraphs 2 and 3 of the Official Action. However, to expedite prosecution of this application, the applicants amended claims 42, 46, and 51 to recite a "data store" rather than a "do-not-call" list. The applicants submit that claims 42, 46, and 51 are sufficiently distinct from claims 43, 47, and 52, respectively, that these claims are clearly not duplicates under MPEP § 706.03(k). The applicants thus request reconsideration and withdrawal of the objections stated in Paragraphs 2 and 3 of the Official Action.

Paragraphs 4 and 5 of the Official Action stated rejections of claims 1-52 under 35 U. S. C. § 112, 2<sup>nd</sup> paragraph. In response, once again to expedite prosecution of this application, the applicants have amended independent claim 1 and certain of the claims depending therefrom to

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recite "means plus function" language as sanctioned by 35 U.S.C. § 112, 6<sup>th</sup> paragraph. On at least this basis, the applicants request reconsideration and withdrawal of the rejections stated in Paragraphs 4 and 5 of the Official Action.

### **Art-Based Rejections**

Independent claims 1 and 53-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yudkowsky. The applicants have amended independent claims 1, 53, and 55 as indicated above to recite further features that are believed fully supported under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, by at least Figure 4 and the corresponding description in the originally-filed specification. Independent claim 54 is discussed separately below.

### **Independent Claim 1**

For convenience of discussion, the applicants reproduce a portion of amendments to claim 1. After reviewing the Action and cited art, the applicants have amended claim 1 as indicated above to recite the following:

"means for evaluating:

first, whether a response was received after issuing the prompt;  
second, whether the response is indicative of a hearing-impaired caller or of a hearing caller"

The applicants respectfully submit that the above revisions are supported by the applicants' disclosure under § 112, first paragraph. Turning to the applicants' Figure 4, decision block 402 first tests for an unresponsive caller, and if the caller is responsive to one of the prompts issued previously, program control passes to decision block 404, which tests for a response indicating a hearing-impaired caller. If the output of decision block 404 is negative, program control passes to decision block 406, which tests for a response indicating a hearing caller. The claim language reproduced above thus advantageously recites an evaluating means that first explicitly tests for a responsive caller, and afterwards tests the actual response received

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from the caller. The applicants further request entry of the above amendments and reconsideration of the rejection of independent claim 1, and all claims depending therefrom.

Conversely, the Yudkowsky patent does not provide an evaluating means that *first explicitly tests for a responsive caller*, and afterwards tests the actual response received from the caller.

### Independent Claims 53 and 55

For convenience of discussion, the applicants reproduce a portion of amendments to claims 53 and 55 which are amended to recite similar features. After reviewing the Action and cited art, the applicants have amended claim 53 and 55 as indicated above to recite the following:

“issuing a prompt in a first format, the first prompt requesting a first response associated with the hearing caller;  
issuing at least a further prompt in at least a further format, the at least further prompt requesting at least a further response, the further prompt requesting a further response associated with the hearing-impaired caller;  
evaluating, first, whether a response was received to the prompt or the further prompt, and, second, whether a received response is the first response or the further response;”

The applicants respectfully submit that the above revisions are supported by the applicants' disclosure under § 112, first paragraph. The claim language reproduced above thus advantageously recites issuing a prompt in a first format and a further prompt in a further format.

Conversely, the Yudkowsky patent, in figure 2 and in the accompanying description in column 4, lines 45-68 describe a spoken announcement that is played to the caller. The spoken announcement is a previously stored verbal announcement that is sent to the calling party. As such, the Yudkowsky patent does not recite issuing a prompt in a first format and a further prompt in a further format.

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#### Independent Claim 54

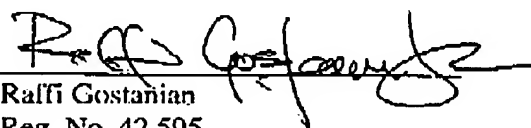
The applicants have amended independent claim 54 to recite substantially the same new features as discussed above in connection with independent claims 1, 53, and 55, so the same comments above directed to these other independent claims are believed equally applicable to independent claim 54. However, the applicants have further amended claim 54 to recite further features believed fully supported by the applicants' specification at least by figures 2 and 3 and the related description.

The applicants further request entry of the above amendments and reconsideration of the rejection of independent claims 1 and 53-55, and all claims depending therefrom.

Respectfully submitted,

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